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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,742	03/07/2005	Norikazu Sugaya	2005-0044A	7898

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WASHINGTON, DC 20006-1021

EXAMINER
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EL ARINI, ZEINAB

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/526,742

**Applicant(s)**

SUGAYA, NORIKAZU

**Examiner**

Zeinab E. EL-Arini

**Art Unit**

1746

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/07/2005</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 39, 41-48, 53, 59-63, 65-68, and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 39, lines 3-4, "the surface the liquid-contacting part" is indefinite and confusing term.

Claim 41 is incomplete because positive step for precluding elution of lead from a plumbing device has not been recited.

In claim 43, line 1, "the deleading step" lacks antecedent basis.

In claim 44, line 1, "the cleaning fluid" lacks antecedent basis.

In claim 53, line 10, "the coating layer" lacks antecedent basis.

In claim 60, line 1, before "comprising", ---"further"—should be inserted.

In claim 73, line 3, "the cleaning fluid", at line 4, "the nitric acid", and at line 5, "the hydrochloric acid" are all without proper antecedent basis.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0892084 (EP'084) in combination with JP 2002-155391 (JP'391).

EP'084 discloses a method for preventing contamination by lead from piping device made of a lead-containing copper alloy. The method comprises contacting the surface with a cleaning fluid comprising nitric acid and hydrochloric acid. The reference discloses the concentration and the time as claimed. The reference also discloses the degreasing, rinsing and neutralizing steps as claimed. The reference also discloses causing the hydrochloric acid to form a coating film on the surface of the liquid containing part as claimed. See the claims, the figures, the abstract, and page 2, line 47-page 8, line 30.

EP'084 discloses all limitations with the exception of removing both lead and nickel or nickel alone, the temperature, the ratio between the temperature and the time, the plating, and the hot water washing as claimed.

JP'391 discloses treating water feed appliances by applying nickel-plating to the water feed appliances. See the abstract.

It would have been obvious for one skilled in the art to use the nickel-plating step taught by JP'391 in the EP'084 process to improve the treating process. One skilled in the art would control the temperature and the concentration and the time (washing conditions) to improve the treating process. See EP'084, page 8, lines 25-30. One skilled in the art would use the hot water wash to improve the removing process. Since the copper alloy containing nickel and lead, one skilled in the art would use the process taught by EP'084 to remove the nickel during removal of the lead from the surface of the

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plumbing device made of copper alloy. This is also because it is inherent in the process taught by EP'084.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Zeinab E. EL-Arini*  
Zeinab E. EL-Arini  
Primary Examiner  
Art Unit 1746

ZEE  
06/22/06